

Conditions for press freedom in Afghanistan have improved in recent years amid greater media diversity, rising professional standards for journalists, and a decline in legal harassment and censorship. However, violence against journalists increased in 2014 as the country suffered from growing insecurity, and the media continued to face legal and other interference from the authorities.

## Legal Environment

Article 34 of the constitution allows for freedom of the press and of expression, and the 2009 Mass Media Law prohibits censorship and guarantees the right of citizens to obtain information. However, there are broad restrictions on content that is deemed “contrary to the principles of Islam or offensive to other religions and sects.” Cases involving journalists are supposed to be handled by a commission devoted to media issues, but the legal framework’s ambiguity has led to muddled implementation. Four media laws have been approved since 2002, and journalists lack clarity on how different provisions are meant to be applied. Article 130 of the constitution vaguely stipulates that courts and Islamic jurists can rule on cases “in a way that attains justice in the best manner,” creating leeway for discriminatory or contradictory rulings.

Journalists were subject to legal harassment on a number of occasions in 2014. Pakistani journalist Faizullah Khan was arrested in April and sentenced in July to four years in prison for entering the country illegally, though an initial accusation of espionage was dismissed. Khan was released by court order in September following diplomatic pressure and an intervention by outgoing president Hamid Karzai. In August, the government barred *New York Times* correspondent Matthew Rosenberg from leaving the country and pressed him to identify his sources for an article alleging that certain Afghan officials were threatening to seize power if a dispute over the presidential election results was not resolved. Faced with international condemnation, the government expelled Rosenberg from the country for undermining Afghan national interests. The new president, Ashraf Ghani, who took office in late September, allowed the journalist to return in October.

After a three-year delay and strong advocacy from media and civil society groups, the lower house of parliament adopted the Access to Information Law in June, and it was subsequently approved by the upper house and signed by Ghani in December. The law states that government-held information should be presumed available to the public, except in instances that would threaten national security, compromise privacy, or interfere with a criminal investigation. A new commission on access to information would oversee implementation. Advocacy groups welcomed the law but urged Ghani to enact amendments that will ensure the commission’s independence from government officials and clarify the definition of terms like “national security.”

The Media Violation Investigation Commission (MVIC) was established in 2005 and tasked with the investigation of alleged violations of Afghan media law. The 2009 Mass Media Law stipulated that the MVIC be dissolved and replaced with a Mass Media Commission (MMC), which was to be composed of experienced journalists. However, the MMC had yet to be formed in 2014, and the MVIC continued to function without representation from journalists and civil society. A media commission linked to the electoral commission was also active during the year, issuing fines to outlets for biased coverage and other alleged violations surrounding the presidential campaign.

Journalists’ organizations are able to operate and advocate for the rights and interests of their members,

though the law offers few protections for unions and labor rights. In September 2014, a coalition of Afghan journalist groups persuaded incoming president Ghani and his electoral opponent—Abdullah Abdullah, who later joined Ghani in a power-sharing government—to endorse a 12-point pledge of commitment to support free media and journalists. It included promises to investigate and punish violence against journalists, enforce the law on access to information, and introduce a law on job security for journalists.

## **Political Environment**

Media outlets have proliferated in recent years, collectively conveying a diversity of views. The patterns of ownership and funding mirror the country's disparate political and cultural forces, leading to a highly partisan media environment. Major sources of support for and influence over outlets include political parties, ethnic factions, the military, international donors, and foreign governments such as those in Iran and Pakistan. However, some broadcasters, such as Tolo TV, are commercially viable and able to exercise a greater degree of independence in their reporting.

Local authorities have occasionally forced the closure of media outlets in retaliation for reporting on official corruption and other sensitive topics, and journalists face an acute risk of violence from state and nonstate actors in the context of the ongoing military conflict. Women journalists in particular encounter regular harassment and threats, leading some to leave the profession. Journalists often resort to self-censorship to avoid violating cultural norms or offending local sensitivities.

In 2014, in addition to the worsening security situation, the presidential election and a lengthy impasse over the disputed results raised political tensions and related pressure on journalists. For example, unidentified assailants in Kabul shot and injured Azizullah Hamdard of the independent Pajhwok news agency in August, after he reported on alleged electoral fraud.

According to the Afghan Journalists' Safety Committee (AJSC), a total of eight journalists were killed in 2014, and 129 cases of violence were recorded, a substantial increase over the previous year. The Committee to Protect Journalists (CPJ) confirmed that at least three of the journalists' deaths were directly related to their work. Government officials and security forces still perpetrated most of the year's attacks, which included beatings and threats, but the rise in violence was largely attributed to Taliban insurgents, powerful warlords, and other nonstate actors. In March, following a Taliban attack on the Serena Hotel in Kabul that killed Agence France-Presse journalist Sardar Ahmad, his wife, two of their three children, and five other civilians, Kabul-based journalists boycotted coverage of the Taliban for 15 days. Impunity for such violence remains a problem; Afghanistan ranked sixth on CPJ's 2014 Global Impunity Index for failing to solve five murders of journalists over the previous decade.

Conditions for foreign journalists are also perilous, restricting their ability to report in person and exposing them to deadly reprisals. In March 2014, Nils Horner of Sweden's Sveriges Radio was shot and killed at close range in a Kabul attack that was later claimed by a Taliban splinter group. In April, a day before the presidential vote, German photojournalist Anja Niedringhaus of the Associated Press (AP) was shot to death in Khost by a police commander, who also wounded Canadian AP journalist Kathy Gannon. The officer, who offered no motive, was arrested and later convicted of the crime.

## **Economic Environment**

Afghanistan is home to roughly 90 local and national television channels, 174 radio stations, 200 print

outlets, and 12 news agencies. The government owns some media outlets, but most are in private hands. Radio is still the main source of news for most Afghans, especially in rural areas, though television is making significant inroads, as ownership of sets has risen. International radio broadcasts in Dari or Pashto—such as those from the British Broadcasting Corporation (BBC), Voice of America, and Radio Free Europe/Radio Liberty—remain key providers of information for many residents. Newspaper readership is low, mainly due to the nation's poor literacy rate of about 34 percent, but also because of distribution problems and competition from new broadcast options.

Illiteracy and poor infrastructure have similarly hampered internet penetration, with only 6 percent of the population using the medium in 2014. However, blogs and social media are growing in usage and importance, particularly among urban youth. There were nearly 75 mobile telephone subscriptions per 100 people in 2014; the devices increasingly offer access to news updates and enable participation in radio and television call-in shows. Gradual improvements to the mobile network and falling prices have facilitated citizen journalism.

The international community and local media organizations have for the past decade been supporting programs aimed at developing a genuinely independent media sector, and they have been fairly successful in this regard. However, a number of analysts have raised concerns about the possible negative effects of the withdrawal of foreign combat forces—most of which had left Afghanistan by the end of 2014—on both the continuation of donor funding for media projects and the broader economic situation in the country.